Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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POSSIBLE PRODUCTS OF THE NPT'S STRENGTHENED REVIEW PROCESS: (A) THE PREPARATORY COMMITTEE (B) THE 2000 REVIEW CONFERENCE

Working paper submitted by South Africa

1. INTRODUCTION

The functions of the Nuclear Non-Proliferation Treaty's (NPT) Preparatory Committee and Review Conference within the strengthened review process adopted at the 1995 NPT Review and Extension Conference (NPTREC) are clearly defined:

The function of the Preparatory Committee, as defined in paragraph 4 of NPT/CONF.1995/32/DEC.1, is twofold:

(a) "... to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review conference. These include those identified in the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted on 11 May 1995."

(b) "... make the procedural preparations for the next Review Conference."

The function of the Review Conference, as defined in paragraph 7 of NPT/CONF.1995/32/DEC.1, is threefold:

(a) "... should look ... back. They should evaluate the results of the period they are reviewing, including the implementation of the undertakings of the States Parties

under the Treaty ..."

(b) "... should look forward ..., and identify the areas in which and the means through which, further progress should be sought in the future."

(c) "... address specifically what might be done to strengthen the implementation of Treaty and to achieve its universality."

2. THE PREPARATORY COMMITTEE

Given the abovementioned functions of the NPT's Preparatory Committee within the strengthened review process, the PrepCom should focus on producing three documents, which could have annexures:

(a) Document 1 : Recommendations on principles, objectives and ways aimed at the full implementation of the Treaty, as well as its universality. This document would follow the same format and structure as the 1995 Principles and Objectives, developing those elements upon which the PrepCom is able to reach agreement. This document would form the basis for further negotiation and refinement at the Review Conference, and would also form the basis for a set of 2000 Principles and Objectives. A set of 2000 Principles and Objectives should not replace or be a renegotiation of the 1995 Principles and Objectives, an approach which would have the potential for weakening the achievements reached in 1995, but would rather be in addition to the1995 agreement.

Important factors to keep under consideration when working on the PrepCom's recommendations to the Review Conference are that the 1995 Principles and Objectives:

- Firstly, cover the full range of the provisions and obligations of the NPT. The document is accordingly divided into 8 sections: A Preamble, Universality, Non-proliferation, Nuclear disarmament, Nuclear-weapon-free zones, Security assurances, Safeguards, and Peaceful uses of nuclear energy.

- Secondly, contains two different types of provisions: (i) Statements of general or continuing principle which it was envisaged would be relevant at the time of adoption as well as into the future, and (ii) statements of objectives which identify certain specific goals which should be striven for in the period until the next Review Conference. While differing in nature, both types of provision are intended to set realizable targets which can be reported upon, measured and evaluated.

The primary area of attention of the PrepCom should be to consider and develop updated statements of objectives and ways which identify certain specific goals which

should be striven for in the period until the Review Conference in 2005. While the language of the general or continuing principle elements of the 1995 Principles and Objectives could be strengthened or tightened, those elements which remain of continuing validity could be duplicated.

(b) Document 2 : Recommendations on specific proposals or initiatives upon which agreement could not be reached and which could be considered further by the Review Conference. Possible recommendations (eliminating duplication) which could be developed here are steps envisaged by the Principles and Objectives or in the Resolution on the Middle East, but might also include new initiatives launched during the preparatory process.

(c) Document 3 : The procedural arrangements for the Review Conference, including annexures on such issues as the rules of procedure, financial arrangements, etc.

3. THE REVIEW CONFERENCE

Given the abovementioned functions of the NPT's Review Conference within the strengthened review process, the Review Conference should be focused on producing two documents:

(a) Document 1 : A 2000 Principles and Objectives which would be negotiated on the basis of the recommendations prepared by the PrepCom and on inputs received at the Review Conference. The document should look forward and identify the areas in which and the means through which further progress should be sought in the full implementation of the Treaty in the future, with specific reference to the next review period. The document should also address specifically what might be done to strengthen the implementation of Treaty and to achieve its universality.

Owing to the nature of the document (i.e. setting the agenda for the implementation of the Treaty) it will be necessary that a consensus should exist on its content and adoption at the Review Conference. The nature of the document also dictates that it should be relatively concise.

(b) Document 2 : A Final Declaration which should should look back over the period under review, evaluating the results of the period they are reviewing, including the implementation of the undertakings of the States Parties under the Treaty.

Owing to the nature of this document and given the differences of interpretation which might exist on issues under review (as has been demonstrated at previous Review Conferences) it will be necessary for a consensus to exist on its adoption, but not necessarily on its content. In areas where it may prove to be impossible to reach agreement on an issue under review the document could contain statements reflecting the differences in interpretation or understanding.